

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:17-CR-58-H

No. 4:19-CV-57-H

DARRICUS DIQUEL SUGGS,	)	
	)	
Petitioner,	)	
	)	
v.	)	<u>MOTION TO DISMISS</u>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

Respondent, by and through the United States Attorney for the Eastern District of North Carolina, submits this motion to dismiss Petitioner's motion for failure to state a claim upon which relief can be granted, Fed. R. Civ. P. 12(b)(6), excepting the singular claim in Ground Four of Petitioner's motion concerning Petitioner's assertion that he requested that his defense counsel file a notice of appeal and counsel failed to do so. A memorandum of law is filed in support of this motion.

Respectfully submitted, this 12th day of August, 2019.

ROBERT J. HIGDON, JR.  
United States Attorney

BY: /s/ Amy N. Okereke  
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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2019, I served a copy of the foregoing upon the below party by placing a copy in the U.S. Mail, postage paid, addressed as follows:

Darricus Diquel Suggs  
Reg. No. 64325-056  
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BY: /s/ Amy N. Okereke  
AMY N. OKEREKE  
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